

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ERICA PARKER,
Plaintiff,

CIVIL ACTION

v.

NO. 17-1744

**SCHOOL DISTRICT OF
PHILADELPHIA, doing business as
“EDWARD T. STEEL ELEMENTARY
SCHOOL,”
JAMAL B. DENNIS, Individually and in his
Official Capacity as Principal of Edward T.
Steel Elementary School, doing business as
School District of Philadelphia,
STAFFING PLUS HOLDINGS, INC.,
ALLISON JOHNSTONE , doing business as
“STAFFING PLUS HOLDINGS, INC.,”
INTERCOMMUNITY ACTION, INC.,
SHARON STARK, doing business as
“INTERCOMMUNITY ACTION., INC.,”
URSULA WACYK, doing business as
“INTERCOMMUNITY ACTION., INC.,”
and JOHN DOES 1-10,
Defendants.**

ORDER

AND NOW, this 12th day of October, 2018, upon consideration of Defendant the School District of Philadelphia’s Motion to Dismiss Plaintiff’s Second Amended Complaint (Document No. 34, filed June 26, 2018), Defendant Jamal B. Dennis’s Motion to Dismiss Plaintiff’s Second Amended Complaint (Document No. 44, filed August 16, 2018), and Motion to Dismiss Second Amended Complaint by Defendants Staffing Plus Holdings, Inc. and Alison Clark f/k/a Alison Johnson (Document No. 45, filed August 17, 2018), and the related filings of the parties, for the reasons stated in the Memorandum dated October 12, 2018, **IT IS ORDERED** as follows:

1. The Motion to Dismiss filed by the School District of Philadelphia is **DENIED**.
2. The Motion to Dismiss filed by Jamal B. Dennis is **DENIED**.

3. The Motion to Dismiss filed by Staffing Plus Holdings, Inc. and Alison Clark is

GRANTED IN PART AND DENIED IN PART, as follows:

- a. That part of the Motion to Dismiss filed by Staffing Plus Holdings, Inc. and Alison Clark which seeks dismissal of plaintiff's First Amendment Retaliation claim under § 1983 (Count I) is **DENIED**.
- b. That part of Staffing Plus Holdings and Alison Clark's Motion to Dismiss which seeks dismissal of plaintiff's Wrongful Termination claim (Count II) is

GRANTED IN PART AND DENIED IN PART, as follows:

- i. That part of Staffing Plus Holdings, Inc. and Alison Clark's Motion to Dismiss which seeks dismissal of plaintiff's Wrongful Termination claim (Count II) against defendant Alison Clark is **GRANTED**, and this claim is **DISMISSED WITH PREJUDICE**.
- ii. That part of Staffing Plus Holdings, Inc. and Alison Clark's Motion to Dismiss which seeks dismissal of plaintiff's Wrongful Termination claim (Count II) against defendant Staffing Plus Holdings, Inc. is **DENIED**.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.